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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,278	04/24/2006	Roland Oehmann	25687-105450	2469
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EXAMINER CALLAWAY, JADE R				
ART UNIT		PAPER NUMBER		
2872				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/577,278

Applicant(s)

OEHMANN, ROLAND

Examiner

JADE CALLAWAY

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/24/06, 7/25/07.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-13 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 5-13 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 24 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 7/25/07
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 120, which papers have been placed of record in the file.

Response to Amendment

2. The Preliminary Amendments to the Specification, Abstract and Claims, in the submission dated 4/24/06, are acknowledged and accepted.

Drawings

3. The drawings were received on 4/24/06. These drawings are acceptable.

Information Disclosure Statement

4. The information disclosure statement filed 7/25/07 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Macher et al. (6,286,983).

Consider claim 5, Macher et al. teach (e.g. figures 1 and 9) a vehicular external mirror module comprising: a mirror housing (52, casing); a mirror glass (58, mirror layer) housed within the mirror housing, the mirror glass including a non-mirrored surface (59, free space) facing out of the mirror housing and a mirrored surface (right and left edges) facing into the mirror housing; and a luminescent film (5, electroluminescent film) fixedly secured to the mirror surface of the mirror glass for emitting light out from the luminescent film through the mirror glass [col. 4, lines 33-67, col. 5, lines 1-18, col. 8, lines 25-67, col. 9, lines 1-50].

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Macher et al. (6,286,983) in view of Muth et al. (5,788,357).

Consider claim 6, Macher et al. do not disclose a transmitted light orientation film disposed between the mirror glass and the luminescent film to direct the light emitted by the luminescent film. Macher et al. and Muth et al. are related as mirror assemblies. Muth et al. teach (e.g. figure 6) a transmitted light orientation film (70, light control optical element) disposed between a mirror glass (60, mirror) and a light emitting portion (122, LEDS) [col. 5, lines 46-67, col. 6, lines 1-13]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the device of Macher et al., as taught by Muth et al., in order to provide a mirror assembly which can be manufactured in a cost effective fashion with improved performance characteristics.

Consider claim 7, the modified Macher et al. reference discloses (e.g. figure 6 of Muth et al.) a vehicular external mirror module wherein a portion of the mirrored surface (60, mirror) is partially transparent (semi-transparent) [col. 5, lines 46-67, col. 6, lines 1-13 of Muth et al.].

Consider claim 8, the modified Macher et al. reference discloses (e.g. figures 1 and 9 of Macher et al. and figure 6 of Muth et al.) a vehicular external mirror wherein the luminescent film (5 of Macher et al.) and the transmitted light orientation film (70 of Muth et al.) are disposed adjacent the mirrored surface (60) that is partially transparent (semi-transparent) [col. 5, lines 46-67, col. 6, lines 1-13 of Muth; col. 4, lines 33-67, col. 5, lines 1-18, col. 8, lines 25-67, col. 9, lines 1-50 of Macher et al.].

Consider claim 9, the modified Macher et al. reference discloses (e.g. figures 1 and 9 of Macher et al.) a vehicular external mirror module wherein the luminescent film (5, electroluminescent film) is substantially planar,

Consider claim 10, the modified Macher et al. reference discloses (e.g. figure 6 of Muth et al.) a vehicular external mirror wherein the transmitted light orientation film (70, light control optical element) is substantially planar.

Consider claim 11, the modified Macher et al. reference discloses (e.g. figure 6 of Muth et al.) a vehicular external mirror module wherein the transmitted light orientation film (70, light control optical element) includes a plurality of microlamellae (74, microlouvers) to direct the light emitted by the luminescent film [col. 5, lines 46-67, col. 6, lines 1-13 of Muth et al.].

Consider claim 12, the modified Macher et al. reference discloses (e.g. figure 6 of Muth et al.) a vehicular external mirror module wherein each of the plurality of microlamellae (74, microlouvers) are parallel to each other [col. 5, lines 46-67, col. 6, lines 1-13 of Muth et al.].

Consider claim 13, the modified Macher et al. reference discloses (e.g. figure 6 of Muth et al.) a vehicular external mirror module wherein each of the plurality of microlamellae (74, microlouvers) defines a thickness [col. 5, lines 46-67, col. 6, lines 1-13 of Muth et al.]. However, the modified Macher et al. reference does not disclose that the thickness is approximately one hundredth of a millimeter. Note that the Court has held that where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation; see

In re Aller, 220 F.2d 454, 456, 105 USPQ 233, 235. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the thickness of the microlamellae be approximately one hundredth of a millimeter, in order to orient and direct the light emitted by a light assembly along desired lines of sight.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Macher et al. (2001/0024370) discloses a sun visor having an electro-luminescent film for illuminating a mirror. Todd (6,005,724) discloses a mirror coating and mirror assembly.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JADE CALLAWAY whose telephone number is (571)272-8199. The examiner can normally be reached on Monday to Friday 7:00 am - 4:30 pm est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on 571-272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2872

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRC
/Jade R. Callaway/
Examiner, Art Unit 2872

/Stephone B. Allen/
Supervisory Patent Examiner
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